

From: David Wiley
To: Microsoft ATR
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Subject: Microsoft Settlement

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I am writing to express my deep concern that the proposed final judgment in the US vs Microsoft case is completely unacceptable. While I personally believe each of the individual remedies needs improvement (see <http://www.kegel.com/remedy/remedy2.html> for example), I have a much greater overarching concern.

When dealing with Microsoft the court has shown a tendency to overlook conduct which at the time of trial appears to then be irrelevant. With the speed at which the technology sector progresses, Microsoft can never be held accountable via legal proceedings when this pattern is followed. By the time the case finally makes it to court, the competition is dead and gone, or the point is now moot for some other reason, and Microsoft walks away with not even a wrist slap. Unless substantive changes are put in place, Microsoft is sure to continue having its way in the market, dragging its feet to court, and getting away with illegal acts year after year. I truly believe that this is not an overstatement, but the very pattern of behavior we will continue to see.

Please do not let the current economic climate dissuade you from doing the right thing. Legal restrictions on practice will not prevent Microsoft from acting illegally again. Only drastic measures which have the effect of structurally, physically, preventing illegal behavior have a chance of preventing further illegal behavior on Microsoft's part. Any lesser remedy is nothing short of government approval to Microsoft to continue acting illegally. I would be happy to discuss my opinion with you further, at your leisure.

Your faithful servant,

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